

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNION PACIFIC RAILROAD
COMPANY,

Plaintiff,

v.

JACOBS ASSOCIATES, INC. and LRL
CONSTRUCTION COMPANY, INC.,

Defendants.

8:22CV291

ORDER

This matter is before the Court on a Stipulated Motion for Order of Arbitration and Stay of Proceedings Pending Arbitration (Filing No. 26) filed jointly by all three parties.

The parties have submitted their disputes to binding arbitration and have “mutually agreed to move to stay this lawsuit” pending arbitration. *See* 9 U.S.C. § 3 (explaining a court “shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement”). They also agree that the Motion to Compel Arbitration and to Dismiss or, in the Alternative, to Stay Proceedings filed by defendant LRL Construction Company, Inc. (Filing No. 9) and the Motion to Dismiss filed by defendant Jacobs Associates, Inc. (Filing No. 14) should be “denied as moot, without prejudice” to refile.

The Court will grant the stay and deny the other two pending motions as moot. Accordingly,

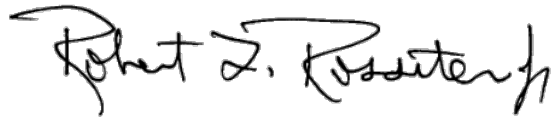
IT IS ORDERED:

1. This case is stayed pending arbitration.
2. The parties shall file a joint status report regarding the progress of arbitration proceedings every ninety (90) days beginning May 1, 2023.

3. The Clerk of Court is directed to set an initial status-report deadline of May 1, 2023.
4. Defendant LRL Construction Company, Inc.'s Motion to Compel Arbitration and to Dismiss or, in the Alternative, to Stay Proceedings (Filing No. 9) is denied without prejudice.
5. Defendant Jacobs Associates, Inc.'s Motion to Dismiss (Filing No. 14) is denied without prejudice.

Dated this 26th day of January 2023.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge